

PLACER COUNTY AIR POLLUTION CONTROL DISTRICT

Portable Equipment Permitting and Registration

Frequently Asked Questions

How Do I Know If I Own/Operate Portable Equipment That Should Have A Permit or Registration?

If you own or operate equipment that is rated greater than 50 horsepower and does not propel a vehicle, you are required to obtain a district permit or registration to operate legally in California. The State Portable Equipment Registration Program (PERP) allows engines that meet certification requirements to register in the program. Once an engine has obtained a PERP registration, that engine can operate in any of the 35 air districts in California without having to obtain a district permit. The District recommends obtaining a PERP registration in lieu of a district permit when possible; however, if an engine operates in one location for more than twelve months a District permit is required.

What Are The Requirements For Gasoline or Natural Gas/Propane Fueled Portable Engines?

All engines having brake horsepower ratings of 50 or more that operate in Placer County must be either permitted by the District, or if it is a portable engine, residing at any one location for less than 12 months, then it may be registered by the State in the Portable Equipment Registration Program in lieu of obtaining a District permit. The engine must comply with District regulations, including meeting requirements for having Best Available Control Technology (BACT).

If the gasoline or alternatively fueled engine or equipment cannot meet permitting or registration emission or equipment standards, then the engine or equipment cannot be permitted or registered.

What Are Examples Of Portable Engines That Must Be Permitted Or Registered?

Any engine having a brake horsepower rating of 50 HP or more that does not provide motive power to a vehicle is required to have a permit from the District, or if the engine is portable it may instead have a Statewide PERP registration, issued by the California Air Resources Board. Portable engines include, but are not limited to, internal combustion engines used in the following:

- cranes
- power generation
- pumps
- diesel pile-driving hammers
- welding
- service or work-over rigs
- well drilling
- dredges on boats or barges
- wood chippers
- tactical support equipment
- compressors
- vacuum trucks
- concrete pumpers
- street sweepers

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What Are Examples Of Portable Equipment That Must Be Permitted Or Registered?

In addition to engines, any ancillary equipment that emits pollutants to the air exceeding 2 pounds per day should also be registered under the State-wide program; otherwise a separate District permit is required for operations in Placer County.

Portable equipment units include, but are not limited to, the following portable engine-associated units:

- confined and unconfined abrasive blasting operations
- concrete batch plants
- sand and gravel screening
- rock and pavement crushing and recycling
- tub grinders and trammel screens

Such equipment requires either a District Permit or a Statewide PERP registration to operate in Placer County.

What Is Required Of “Stationary” Engines?

The District requires a permit for all stationary engines greater than 50 HP regardless of fuel type that are located in Placer County.

The California Air Resources Board’s (ARB’s) Airborne Toxic Control Measure for Stationary Compression Engines Final Regulation Order has established requirements and compliance dates for diesel-fueled engines of greater than 50 HP.

Stationary engines, whether diesel-fueled or not, must be permitted by the District to operate legally. The retrofit of the engine, or even its replacement, may be necessary to comply with applicable District regulations.

In addition, the Statewide PERP registration for some engines and equipment is not valid at any given location where other air contaminant emitting equipment, excluding engines, is operated as a stationary source and if the portable engine or equipment unit may be considered a part of the stationary source. District authorization must be obtained before operating at any specific location where the Statewide registration is not valid. The Statewide registration may also not be valid if certain hazardous or toxic materials are to be processed using PERP registered equipment. Carefully read the requirements of registration for your engine or equipment.

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What Are The Eligibility Requirements To Obtain a PERP Registration?

The Statewide Portable Equipment Registration Program (PERP), established in 1997, has emission standards that engines must satisfy. As a consequence all portable engines are not automatically eligible for registration. Certified engines which have been tested by the U.S. EPA or the ARB and meet the federal off-road engine emission standards are eligible for the PERP. Older engines that do not meet the most stringent California emissions standards but have still been issued emission certifications have been designated as Tier 1 and 2 engines.

Due to emergency amendments adopted by the Air Resources Board (ARB), Tier 1 and 2 engines have again been given the opportunity to register in PERP for a limited time (as long as they meet the residency requirements). In order to meet the residency requirements an engine must have operated in California between March 1, 2004 and October 1, 2006. This opportunity to register Tier 1 and 2 engines will end on December 31, 2009.

If an engine does not meet a certification standard then it is a "Tier 0" engine and is not eligible to register in the Statewide PERP.

What Does The State-Wide Portable Equipment Registration Program Require Me To Do?

In addition to having established emission limitations that must be satisfied to obtain a registration, the Statewide PERP program requires the conditions of registration are met. Included among the requirements are the following:

- If you intend to be in Placer County five days, or more, you must notify the District within 2 days of coming to Placer County, unless you have designated Placer County as your home district.
- You must have a copy of the Certificate of Registration listing the equipment, and the registration requirements (e.g., the conditions of registration and operation) for the equipment, with the equipment available for immediate inspector review upon request.
- The equipment must be properly labeled with a valid program registration label or sticker.
- To be valid, registrations must reflect the current ownership of the engine or equipment.

Where Do I Go To Get My Equipment Registered In The State-Wide Portable Equipment Registration Program?

All instructions, information (including fees), and application forms can be obtained by visiting the California Air Resource Board online at:
<http://www.arb.ca.gov/portable/perp/newforms.htm>

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What Engines or Equipment Cannot Be Registered?

The following are commonly found engines and equipment that are not eligible for registration under the Statewide PERP program:

- (1) any engine used to propel mobile equipment or a motor vehicle of any kind;
- (2) any engine or equipment unit not meeting the definition of portable as defined in section 2452 (z) of this regulation (See the next question);
- (3) any equipment unit and its associated engine determined by the Air Resources Board Executive Officer to qualify as part of a stationary source permitted by a district;
- (4) any equipment unit and its associated engine determined by the District to qualify as part of a stationary source, which therefore requires permitting by the District.

In addition to (3), after a Statewide PERP registration is issued, the District may find that an equipment unit and its associated engine qualify as a part of a stationary source, and that the registration is therefore not valid.

How Is “Portable” Equipment Defined In The Statewide Portable Equipment Registration Program?

As defined by the Statewide PERP regulation, “Portable” means designed and capable of being carried or moved from one location to another. Indicia of portability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, or platform. For the purposes of the regulation, dredge engines on a boat or barge are considered portable. The engine or equipment unit is not portable if any of the following are true:

1. the engine or equipment unit or its replacement is attached to a foundation, or if not so attached, will reside at the same location for more than 12 consecutive months. The period during which the engine or equipment unit is maintained at a storage facility shall be excluded from the residency time determination. Any engine or equipment unit such as back-up or stand-by engines or equipment units, that replace engine(s) or equipment unit(s) at a location, and is intended to perform the same or similar function as the engine(s) or equipment unit(s) being replaced, will be included in calculating the consecutive time period. In that case, the cumulative time of all engine(s) or equipment unit(s), including the time between the removal of the original engine(s) or equipment unit(s) and installation of the replacement engine(s) or equipment unit(s), will be counted toward the consecutive time period; or
2. the engine or equipment unit remains or will reside at a location for less than 12 consecutive months if the engine or equipment unit is located at a seasonal source and operates during the full annual operating period of the seasonal source, where a seasonal source is a stationary source that remains in a single location on a permanent basis (at least two years) and that operates at that single location at least three months each year; or

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3. the engine or equipment unit is moved from one location to another in an attempt to circumvent the portable residence time requirements.

How Do I Know What Tier Level My Engine Is?

A “**Tier 0 Engine**” means a nonroad engine that is not certified to any emission standard.

A “**Tier 1 Engine**” means a certified nonroad engine, as defined in Title 13 of the California Code of Regulations section 2423(b)(1)(a), for the horsepower and year of manufacture as follows:

≥50 bhp and <100 bhp; 1998 through 2003
≥100 bhp and <175 bhp; 1997 through 2002
≥175 bhp and <300 bhp; 1996 through 2002
≥300 bhp and <600 bhp; 1996 through 2000
≥600 bhp and ≤750 bhp; 1996 through 2001
>750 bhp; 2000 through 2005

A “**Tier 2 Engine**” means a certified nonroad engine, as defined in Title 13 of the California Code of Regulations section 2423(b)(1)(a), for the horsepower and year of manufacture as follows:

≥50 bhp and <100 bhp; 2004 through 2007
≥100 bhp and <175 bhp; 2003 through 2006
≥175 bhp and <300 bhp; 2003 through 2005
≥300 bhp and <600 bhp; 2001 through 2005
≥600 bhp and ≤750 bhp; 2002 through 2005
>750 bhp; 2006 through 2010

A “**Tier 3 Engine**” means a certified nonroad engine, as defined in Title 13 of the California Code of Regulations section 2423(b)(1)(a), for the horsepower and year of manufacture as follows:

≥50 bhp and <100 bhp; 2008 through 2011
≥100 bhp and <175 bhp; 2007 through 2011
≥175 bhp and <300 bhp; 2006 through 2010
≥300 bhp and <600 bhp; 2006 through 2010
≥600 bhp and ≤750 bhp; 2006 through 2010

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What If An Engine Does Not Meet the Certification Requirements, Or It Cannot Be Retrofitted With The Required Control Devices In Order To Obtain A Registration?

Diesel engine operation without a District permit or Statewide PERP registration may be a violation of both District rules and the State's ATCM for diesel-fueled engines. As long as the engines are not permitted or registered, then each additional day during which the operation of the engine occurs may be counted as a new and additional violation. Engines that do not meet an emission certification standard are called "Tier 0" engines. The District is not permitting any Tier 0 engines.

In lieu of permitting, owners and operators of Tier 0 engines may enter into a **Regional Compliance Agreement** (more information below) that allows operation of such engines in Placer County until January 1, 2010.

The State's ATCM for portable diesel-fueled engines does not require Tier 0 diesel-fueled engines to meet new standards until January 1, 2010. For this reason the District may consider using its enforcement discretion to allow operation of a diesel-fueled engine that cannot currently be permitted or registered, provided:

- (1) the un-permitted and unregistered status of any portable engines or equipment that is subject to permitting or registration is voluntarily disclosed to the District (i.e. the District wants to be advised on any non-complying engines or equipment),
- (2) a settlement is reached on any discovered violations that have occurred,
- (3) the economic benefit of not having a District permit is removed, and
- (4) there is an enforceable commitment to come into compliance with all air pollution control requirements for all un-permitted or un-registered portable engines or equipment by no later than January 1, 2010.

If the engines are "discovered", and not "disclosed" to the District, the settlement of a separate enforcement action may be necessary before the District will enter into an agreement to allow Tier 0 engine operation.

Gasoline or alternatively fueled engines are also required to have a permit from the District or registration by the State. If the equipment cannot meet permitting or registration emission or equipment standards then the equipment cannot be permitted or registered and as a consequence cannot be legally operated in Placer County.

What Is A Sacramento Regional Compliance Agreement And What Is Required To Obtain One?

The Placer County Air Pollution Control District and 4 other Sacramento region air districts (Sacramento Metropolitan Air Quality Management District, Yolo-Solano Air Quality Management District, El Dorado County Air Pollution Control District, and Feather River Air Quality Management District) have worked together to establish a Tier 0 Regional Compliance Agreement (RCA) that allows Tier 0 engine owners/operators to

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have one agreement allowing operation throughout the Sacramento region until January 1, 2010.

As of June 8, 2007, the Memorandum of Understanding (MOU), by which the program for the Tier 0 engine RCA is established, has been signed by Sacramento Metropolitan AQMD (Sacramento County), Placer County APCD (Placer County), and Yolo-Solano AQMD (Yolo County and portions of Solano County) making the current RCA effective for those areas. When El Dorado County APCD and/or Feather River AQMD sign the MOU the Sacramento RCA will become effective in those jurisdictions as well.

The RCA allows operation of the Tier 0 engines for the longest period possible for companies operating throughout the Sacramento region, easing the State's attempt to transition to newer and cleaner engines that can be registered with the State. By January 1, 2010, however, all Tier 0 engines must be removed from service in California.

Tier 0 engines are required to meet the same general operating conditions that are required of Tier 0 engines that have already been registered by the State. Associated equipment must be registered in the Statewide PERP program.

Only non-rental Tier 0 engines that were "resident" in California between March 4, 2004 and October 1, 2006 are eligible for the Regional Compliance Agreement.

The payment of a penalty is required to obtain a RCA. The penalties seek to remove any financial benefit for not having permitted or registered Tier 0 engines earlier, and further encourage the phase-out of Tier 0 engines.

The RCA penalty is separate from, and in addition to, any enforcement penalty that is assessed because of the discovery of un-permitted and un-registered engines by District inspectors. There will be no enforcement penalty for Tier 0 engines disclosed for the purpose of obtaining a RCA.

Where Do I Go To Obtain A Regional Compliance Agreement To Continue Operating My Tier 0 Engine(s)?

Each company having Tier 0 engines and wishing to operate until January 1, 2010, may enter into an agreement with any one of the regional air districts or the "Home-District" (the district in which the engine resides). If your owner/operator is from outside the Sacramento region, then you may enter into the RCA with any of the participating air districts.

The Placer District is authorized, by the understanding between the region's air districts, to offer agreements to those companies already having an existing Tier 0 agreement with Placer that allows a Tier 0 engine to operate only in Placer County only until January 1, 2009. If a company having an agreement for a Tier 0 engine with Placer

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wishes to upgrade to an agreement allowing operation of the Tier 0 engine throughout the five district region until January 1, 2010, then the District will apply compliance agreement penalties paid to Placer towards the penalty monies that must be paid for the regional compliance agreement. Placer will honor existing "Placer only" Tier 0 compliance agreements if companies choose not to upgrade to a regional compliance agreement. However, because of the establishment of the regional program for Tier 0 engines, going forward only the regional compliance agreement is offered for those wishing to operate Tier 0 engines in Placer County.

Furthermore, the Placer District is authorized, by the understanding between the region's air districts, to offer the regional compliance agreement to companies that the District has taken enforcement action against for the failure to permit or register portable engines.

How Much Does A Regional Compliance Agreement Cost?

To enter an agreement, the company will be required to pay a penalty (per engine) as follows:

Agreement Entered in 2007	Agreement Entered in 2008	Agreement Entered in 2009
\$2,850	\$3,630	\$5,500

These penalties acknowledge operation in violation of requirements to have a State PERP registration or District permit, and seek to remove any financial benefit for not having permitted or registered Tier 0 engines earlier, and encourage the phase-out of Tier 0 engines. The penalties needed to be agreed to by all of the air districts in the region. Factors considered in this determination included: the potential penalties of \$1,000 per day of operation for unknowing violations (and/or higher for knowing violations), the ARB fees that would be charged for a 1996 Tier 1 engine that gets into PERP during this current amnesty, and the alternative permit fees (including back fees for a resident engine) that would be charged if the engine could get a District permit. If an agreement is entered in future years, even though that company gets less time to operate their equipment, the penalties increase because with all the outreach being done statewide, the sources should have heard about the permit requirements and therefore the violation is more serious.

The compliance agreements only cover Tier 0 portable engines – associated portable equipment that that emit air pollutants must be separately registered with the State under the PERP.

The compliance agreement penalty is separate from, and in addition to, any penalty that is assessed because of the discovery of un-permitted and un-registered engines in the field.

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The regional compliance agreements will provide for a “level playing field” for those wishing to operate Tier 0 portable engines throughout the five air district region and allows operation of the engines for the longest period possible. After January 1, 2010, however, no Tier 0 engines are allowed to operate in California.

What If I Already Entered Into A Compliance Agreement With PCAPCD?

Companies who have already obtained a Compliance Agreement for a Tier 0 engine with PCAPCD will have the opportunity to either:

- Operate their Tier 0 engine in Placer County and decommission or remove the engine from California service by January 1, 2009, pursuant to the existing agreement with PCAPCD.
- Obtain a Sacramento RCA, in which case PCAPCD is willing to credit the penalties paid in a previous agreement for an engine towards the new RCA.

What If I Am Caught Without A District Permit or Registration?

If you do not possess a District permit or Statewide PERP registration for your engine you are in violation of District Rule 501, General Permit Requirements. If the engine is diesel fueled you are also in violation of the State’s Airborne Toxic Control Measure for Diesel Particulate Matter from Portable Engines Rated at 50 Horsepower and Greater. Among other requirements, this regulation requires that you obtain either a District permit or a Statewide PERP registration.

The District enforces both its own rules and the State’s regulation. For each day that you were required to have a permit or registration and did not have one, you are strictly liable for up to \$1,000 per day in civil penalties, and may be liable for up to \$10,000 per day in civil penalties if the lack of a permit was due to negligent or intentional conduct. Higher penalties may apply if in addition to not possessing a permit or registration the equipment emits pollutants in violation of applicable emission standards. Finally, if a permit is sought then late permit application filing fees may apply.

In taking enforcement action the District will consider as factors in setting the penalty offer whether the violation was discovered by the District or if the violation was voluntarily disclosed, whether prompt action was taken to obtain a permit or registration, whether the violation was intentional or due to negligence, whether emission limitations were violated, and the benefit that accrued from the violation (e.g. avoided costs).

If the lack of a permit or registration “in-hand” is discovered, then the District will not allow operation of the equipment, unless either a District permit or a State registration has been applied for all company equipment subject to permitting/registration in Placer County, and an agreement on compliance has been reached. The District will take enforcement action for the discovered violation(s), but may elect not to take enforcement action on further operation of the equipment pursuant to a compliance

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agreement reached between the Operator and the District. If an application for a State PERP registration was made prior to discovery by the District this will be taken into consideration as a mitigating factor; however, the Operator is not absolved from having violated since having the registration prior to operation is a PERP requirement.

For violations disclosed to the District, the District may elect to not take enforcement action provided that a compliance agreement is reached between the Operator and the District and it is adhered to by the Operator to encourage future compliance.

Gasoline or alternatively fueled engines are also required to have a permit from the District or registration by the State. An enforcement process that is similar to the one described above will be followed by the District for gasoline and alternative fueled engines. If the equipment cannot meet permit or registration emission or equipment standards, then the equipment cannot be permitted or registered and cannot be legally operated in Placer County.

What If My Portable Engine(s) Can Meet The Certification Requirements, Or Control Device Retrofit Requirements, But I Don't Yet Have A Permit Or Registration?

You cannot legally operate, in Placer County, equipment that does not have required permits or registration unless you have a variance or have otherwise entered into a formal compliance agreement with the District. Enforcement action will be taken for the illegal operation of equipment even if you have applied for, but have not yet obtained a District permit or a Statewide PERP registration. You may apply for an expedited permit from the District to bridge the time period until your Statewide Portable Equipment Registration is received or you may enter into a compliance agreement whereby the District has additional assurance that a registration will be sought and obtained.

In taking enforcement action, the District will take into consideration efforts made to comply with air regulations and whether the violation or potential violation was self-disclosed or was discovered by the District.

For example, penalties from District enforcement action and late filing fees may apply for equipment that is "found", in addition to normal permit fees. Conversely, the District may elect to not seek any penalties for violations that are voluntarily disclosed and where an agreement with the District provides some assurance to the District that corrective action will be taken.

What About Portable Equipment That I May Rent?

Rental equipment is required to meet the same permitting or registration requirements as non-rental equipment, except that when authorized by the Air Resources Board, local district notification is not required for rental equipment of 200 HP or less. The engine and associated equipment should be permitted or registered by the rental company.

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If you rent portable equipment you should receive a copy of the registration certificate, including requirements of registration (e.g., the conditions of registration and operation), from the rental company and a certification label should be affixed to the equipment. You share responsibility with the rental company for making sure the equipment is properly permitted or registered prior to your operating the equipment. If the District finds that a registration is not on-hand and/or the equipment sticker showing that the equipment is properly registered, the District may find the renter or the rental company, or both, to be in violation of program requirements.

Where Can I Obtain Further Information About These Matters?

- **Statewide Portable Equipment Registration Program**: Information regarding the Statewide Portable Equipment Registration Program and Application Forms can be obtained by calling (916) 324-5869, via e-mail at portable@arb.ca.gov, or from the California Air Resources Board's website: <http://www.arb.ca.gov/portable/perp/perp.htm>.
- **Portable Equipment ATCM**: Information concerning the State's Airborne Toxic Control Measure for Diesel Particulate Matter from Portable Engines Rated at 50 Horsepower and Greater is available from the California Air Resources Board's website <http://www.arb.ca.gov/diesel/peatcm/peatcm.htm>.
- **Placer County Air Pollution Control District Permitting**: Permitting information may be obtained by contacting the District at (530) 745-2330, or from the District webpage <http://www.placer.ca.gov/apcd>.
- **Stationary Compression Engine ATCM**: Information concerning the State's Airborne Toxic Control Measure for Stationary Compression Engines is available from the California Air Resources Board's website: <http://www.arb.ca.gov/diesel/statport.htm>.

Information on the Emergency Amendments adopted December 7, 2006, and effective December 27, 2006 can be found at the links below:

- Summary of the Adopted Changes Available Here
(<http://www.arb.ca.gov/portable/perpact/120706bhsummary.pdf>)
- Statewide Portable Equipment Registration Program Regulation
(<http://www.arb.ca.gov/portable/perpact/finalpart3perpreg.pdf>)

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- Airborne Toxic Control Measure for Diesel-Fueled Portable Engines
(<http://www.arb.ca.gov/portable/perpact/finalpart2peatcm.pdf>)
- Airborne Toxic Control Measure for Stationary Compression-Ignition Engines
(<http://www.arb.ca.gov/portable/perpact/finalpart2peatcm.pdf>)

The emergency amendments provide another opportunity for resident Tier 1 and Tier 2 engines to be registered under the PERP. Prior to these amendments, the PERP program allowed only engines meeting current Tier standards (Tier 3 in most cases)